

## TRANSMITTAL LETTER

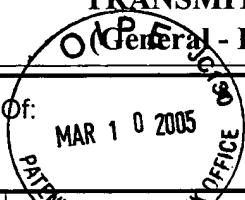
O (General - Patent Pending)

Docket No.

6656320/24780

In Re Application Of:

John M. Heasley



Application No.	6/25/03	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/603,641		Melba N. Bumgarner		3732	2762

Title:

**Gingival Retraction Devices with a Structural Backing Component to Reliably Insert Retraction Material into the Gingival Crevice.**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Third-Party Submission Under 37 CFR 1.99

References

Certificate of Service to Applicant

in the above identified application.

No additional fee is required.

A check in the amount of \$310.00 is attached.

The Director is hereby authorized to charge and credit Deposit Account No. 13-3731 as described below.

- Charge the amount of
- Credit any overpayment.
- Charge any additional fee required.

Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

Signature

Dated: March 7, 2005

Howard C. Miskin, Esq. (Reg. No. 18,999)

Stoll, Miskin & Badie  
350 Fifth Avenue, Suite 4710  
New York, NY 10118

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)].

(Date) 3/7/05

Signature of Person Mailing Correspondence

Philippe Zylberg

Typed or Printed Name of Person Mailing Correspondence

cc:



Ser. No.: 10/603,641

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Inventor** : **John M. Heasley**  
**Title** : **GINGIVAL RETRACTION DEVICES WITH A STRUCTURAL BACKING COMPONENT TO RELIABLY INSERT RETRACTION MATERIAL INTO THE GINGIVAL CREVICE**  
**Serial No.** : **10/603,641**  
**Confirmation No.** : **2762**  
**Filed** : **06/25/2003**

March 4, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**THIRD-PARTY SUBMISSION UNDER 37 CFR § 1.99**

To the Commissioner for Patents:

Submitter hereby makes this third-party submission pursuant to 37 CFR § 1.99. The third-party submission is being made in the above-referenced patent application which was published on December 30, 2004 as Publication Number US 2004/0265777.

**Timeliness Requirement**

The current submission is being made after the date two months from the date of publication of the application, but prior to mailing of the notice of allowance. This submission is not being submitted within the time period set forth in 37 CFR § 1.99(c) as it could not have been submitted earlier. The submitter was aware of the withdrawal of the applicant's counsel and was waiting for new counsel to be appointed and/or a change of correspondence address to be filed

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with the USPTO, so that service of the current Third-Party Submission could be served upon the applicant as required by 37 CFR § 1.99. When the Notice of Acceptance of Power of Attorney dated February 2, 2005 was published on the USPTO's PAIR system, the address shown was clearly erroneous. Thus, the submitter waited to file the Third-Party Submission in hopes that there would be an appointment of new counsel and/or change of the correspondence address for the application. When no new appointment of an attorney or change of correspondence address was filed for this application, an investigation was made for a correct address for the inventor, John M. Heasley, and this information was only recently discovered.

*List of Patents or Publications*

The following is a list of the patents or publications hereby being submitted:

Patent/Publication No.	Publication Date
US 4,531,914	Jul. 30, 1985
US 5,676,543	Oct. 14, 1997
US 2004/0106086	Jun. 3, 2004
EP 0 092 329	Jul. 27, 1988

Pursuant to 37 CFR § 1.99(b) (3), enclosed herewith are copies of each of the patents or publications listed above.

Service Upon the Applicant

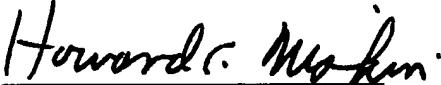
As required by 37 CFR § 1.99, a copy of this Third-Party Submission is being served upon the applicant. Enclosed herewith is a certification of service upon the applicant in compliance with 37 CFR 1.248(b).

Fees Enclosed

Enclosed herewith is a check in the amount of \$310 as payment for the fee of \$180 set forth in 37 CFR § 1.17(p) as required by 37 CFR § 1.99 and the fee of \$130 as payment of the fee set forth 37 CFR § 1.17(i) as required by 37 CFR § 1.99 (b) (e).

In view of the foregoing, it is respectfully requested that the currently submitted patents and publications be forwarded to the Examiner for review in the above-referenced patent application.

Respectfully submitted,

  
Howard Miskin  
Reg. No. 18,999

Stoll Miskin Hoffman and Badie  
350 Fifth Ave Ste 4710  
Empire State Building  
New York NY US 10118  
Tel: 212-268-0900



## CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on the 7<sup>th</sup> day of March, 2005, he caused to be served a true and correct copy of

### **THIRD-PARTY SUBMISSION UNDER 37 CFR § 1.99**

**by U.S. Mail**, first class, by depositing the same in a depository of the United States Postal Service, on:

John M. Heasley  
1614 Dover Street  
Iowa City, IA 52240

Applicant in U.S. Patent Application No. 10/603,641.

Howard C. Miskin  
Howard C. Miskin